

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRYAN D. CHRISTIAN,

Plaintiff,

v.

No. 9:03-CV-901
(S.J. Scullin)

GLENN GOORD, et al.,

Defendants,

APPEARANCES:

BRYAN D. CHRISTIAN
Plaintiff, Pro Se

ELIOT SPITZER
New York State Attorney General
Attorney for Defendants

OF COUNSEL:

MICHAEL G. McCARTIN
Asst. Attorney General

FREDERICK J. SCULLIN, JR., S.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed April 26, 2006, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed April 26, 2006 is **ACCEPTED** in its

entirety, for the reasons stated therein; and it is further
ORDERED, that defendants' motion for summary judgment is
DENIED, and it is further
ORDERED, that to the extent that plaintiff's opposition to
the defendants' motion was labeled a cross-motion for summary
judgment, that motion also is **DENIED**.

IT IS SO ORDERED.

DATED: May 22, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge